

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the application.

Status of the Claims

Claims 1-52 are all the claims pending in the application. Claims 1, 17, 19, 22, 29, 30, 34, 36, 43, 48, and 49 are independent. The remaining claims depend, directly or indirectly, from claims 1, 17, 19, 22, 29, 30, 34, 36, 43, 48, and 49.

Declaration from Moshe Weiner

Applicant has submitted a declaration under 37 C.F.R. § 131 from the inventor of this application, Moshe Weiner. As evidenced by the declaration and attached exhibits, the invention as described and claimed in the present application was completed at least by January of 2001, prior to the March 14, 2001 U.S. filing date of U.S. Patent No. 6,766,177 (hereinafter "Chambon"). Thus, Chambon does not qualify as prior art under 35 U.S.C. § 102(e).

Rejections Under 35 U.S.C. § 102

Anticipation of Claims 1, 6-9, and 11 by Chambon

Claims 1, 6-9, and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chambon. In view of the declaration of Moshe Weiner submitted herewith, Chambon does not qualify as prior art under 35 U.S.C. § 102(e). Accordingly, removal of this rejection is respectfully requested.

Anticipation of Claims 19-52 by Shiigi

Claims 19-52 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,763,373. Claim 34 has been amended to include the features of dependent claim 38. Claim 43 has been amended to include the features of dependent claim 44. Claim 49 has been amended to include the features of dependent claim 50. Claims 38, 44, and 50 have been cancelled. Thus, this rejection is moot with respect to claims 38, 44, and 50. The rejection of the remaining claims is respectfully traversed.

As a preliminary matter, Applicant notes that the '373 Patent is a continuation-in-part of U.S. Patent 6,564,249 filed on October 15, 2001. The '249 Patent itself is a continuation-in-part of U.S. Patent No. 6,304,898 filed on October 11, 2000. The present application was filed on July 27, 2001 and claims priority to U.S. Provisional Application No. 60/286,536 filed on April 27, 2001. For the rejection of each of claims 19-52, the Examiner referred to Figures 6, 7A, 7B, and 8 and the associated description of the '373 Patent. Any rejection based on material disclosed in the '373 or '249 Patents, but not in the '898 Patent, is improper because such material does not qualify as prior art under 35 U.S.C. § 102(e). Specifically, Figures 8, 9, and 10 of the '373 Patent and the associated description are not contained in the '898 Patent. Thus, only the Examiner's rejection with respect to Figures 6, 7A, and 7B is potentially applicable. To avoid confusion, the following traversal refers only to the specification and figures of the '898 Patent (hereinafter "Shiigi").

Independent claims 19 and 22 recite methods for creating and sending Short Messaging Service (SMS) messages. Claim 19 includes the step of processing a free-hand message to be compatible with standard SMS message standards. Claim 22 includes the step of quantizing a

stored message into a set of sub-messages each with a predetermined maximum size. As noted at page 4, line 7 of the present application, the SMS standard is limited to messages of up to 160 characters. If the predetermined maximum size of each sub-message is selected to match the SMS standard, the sub-messages will be able to be sent through an SMS server.

Each of the embodiments disclosed by Shiigi is intended for sending email messages having hand written message attachments. *See, e.g.*, col. 6, line 50 and col. 7, line 60. The entire disclosure of Shiigi is silent on SMS compatibility of the disclosed embodiments. Further, file attachments, such as the GIF format disclosed by Shiigi, are not compatible with SMS. Thus, Shiigi neither shows nor suggests a method for creating and sending SMS messages, as recited in claims 19 and 22.

Independent claim 29 recites a method for receiving an SMS message from a communication device. The method includes receiving an encoded free-hand drawn SMS message from a free-hand messaging server and transferring said encoded free-hand drawn SMS message to a buffering device operably connected to a microprocessor and a security identity module. As discussed above with respect to claims 19 and 22, Shiigi is silent on SMS compatibility. Further, Shiigi is completely silent on any use (or even the existence of) a security identity module (SIM). Thus, Shiigi neither shows nor suggests a method for receiving an SMS message from a communication device, as recited in claim 29.

Independent claim 30 recites an SMS message transmission system that includes at least one base station operable to receive SMS messages from user devices and a network connected to the one or more base stations operable to process free-hand drawn SMS message sent from a

sender user device and route the free-hand drawn SMS message to an intended recipient user device. The networks and servers disclosed by Shiigi are configured for emails with attachments (*e.g.* items 620 and 640 in Fig. 6), not free-hand drawn SMS messages, as recited in claim 30. Further, as discussed above with respect to claims 19 and 22, Shiigi is silent altogether on SMS compatibility. Thus, Shiigi neither shows nor suggests an SMS message transmission system, as recited in claim 30.

Independent claim 34 has been amended to include the features of dependent claim 38. As amended, claim 34 recites a communication device that includes a quantizer operable to divide said free-hand drawn message into a plurality of sub messages. As discussed above with respect to claim 22, dividing hand drawn messages into sub-messages is helpful for transmitting SMS messages due to the limited size according to SMS standards. Shiigi is silent on modifying or transmitting hand drawn messages for SMS compatibility. Further, Shiigi is silent on reducing the size or splitting the hand drawn messages. Thus, Shiigi neither shows nor suggests a communication device that includes a quantizer, as recited in amended claim 34.

Independent claim 36 recites a method for providing a digital signature. The method of claim 36 includes entering a baseline signature on a mobile device using a free-hand drawn SMS the baseline signature on a free-hand signature server. As discussed above with respect to claims 19 and 22, Shiigi is silent on SMS messages. Further, Shiigi is silent on using hand drawn messages for signature authentication. Thus, Shiigi neither shows nor suggests a method for providing a digital signature, as recited in claim 36.

Independent claim 43 has been amended to include the features of dependent claim 44. As amended, claim 43 recites a network server that includes an interface module operable to receive free-hand drawn messages from a short messaging service center, a decoder operable to decode said free-hand drawn messages, and a concatenation module operable to generate a full message from a plurality of concatenated free-hand drawn messages. As discussed above with respect to claims 19 and 22, Shiigi is silent on SMS messages and the usefulness of splitting an SMS message into multiple concatenated SMS messages to stay under the character limit for SMS messages. It follows that Shiigi neither shows nor suggests a concatenation module that is operable to combine concatenated free hand drawn messages into a full message, as recited in claim 43.

Independent claim 48 recites a message transmission system that includes, among other features, a signature authentication module operable to receive and store baseline user signatures and use the stored baseline signatures to authenticate signatures presented over a network. As discussed above with respect to claim 36, Shiigi is silent on using hand drawn messages for signature authentication. Thus, Shiigi neither shows nor suggests a message transmission system that uses stored baseline signatures to authenticate signatures presented over a network, as recited in claim 48.

Independent claim 49 has been amended to include the features of dependent claim 50. As amended, claim 49 recites a communication device having a receiving portion operable to receive an SMS message and a first conversion device operable to convert the SMS message into a freehand drawn message. As discussed above with respect to claims 19 and 22, Shiigi is silent

on SMS messages. Thus, Shiigi neither shows nor suggests a communication device that includes a conversion device operable to convert an SMS message into a freehand drawn message, as recited in claim 49.

In view of the above, Shiigi neither shows nor suggests the present invention, as recited in independent claims 19, 22, 29, 30, 34, 36, 43, 48, and 49. Thus, independent claims 19, 22, 29, 30, 34, 36, 43, 48, and 49 are patentable over Shiigi. Dependent claims are patentable for at least the same reasons as independent claims 19, 22, 29, 30, 34, 36, 43, 48, and 49. Accordingly, removal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 2-5, 10, and 12-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chambon in view of Shiigi. In view of the declaration of Moshe Weiner submitted herewith, Chambon does not qualify as prior art under 35 U.S.C. § 102(e). Accordingly, removal of this rejection is respectfully requested.

Conclusion

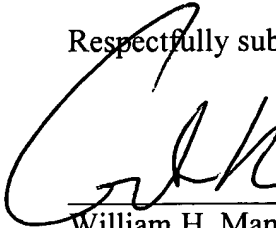
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/915,563

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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